

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

CHRISTOPHER BRANCH,

Petitioner,

v.

Case No. 15-cv-598 MV/GBW

JOE GARCIA, *Warden*,

Respondent.

ORDER GRANTING UNOPPOSED MOTION TO STAY PROCEEDINGS

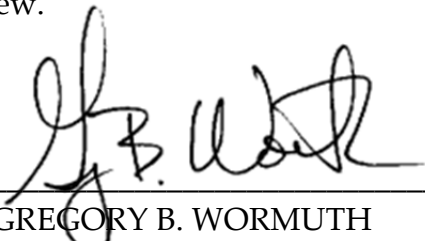
THIS MATTER is before the Court on Respondent's Answer to Pro Se Petitioner Christopher Branch's Petition for Writ of Habeas Corpus (*doc. 7*) and Reply to Christopher Branch's Response to August 21, 2015 Answer (Mailed to Respondent, But Not Docketed) (*doc. 10*).

In Respondent's Answer, he explains that "the New Mexico Supreme Court has issued a limited remand instructing the state district court to vacate three of Mr. Branch's five convictions and enter an amended judgment and sentence." *Doc. 7* at 1. Thus, "Respondents contend that either (1) dismissing Mr. Branch's 28 U.S.C. § 2254 petition without prejudice, or (2) staying the matter and holding the petition in abeyance for a reasonable period of time pending entry of the amended judgment and sentence would be appropriate." *Id.*

In the Reply, Respondent advises the Court that Petitioner mailed to Respondent a response to the Answer, but, because it was never docketed, apparently not to the Court. *See doc. 10*. Respondent has helpfully attached Petitioner's response to its filing. *Id.*, Exs. A-C. Petitioner's response "asks this court to grant me time to go back to the state court and exhaust all state remedies." *Id.*, Ex. A. The Court construes Petitioner's response as a motion to stay the proceedings. Respondent indicates that he does not object to a stay. *Id.* at 2.

As both parties have moved for a stay, and it appears appropriate under the circumstances, the Court will grant the motion and stay the case.

IT IS HEREBY ORDERED that this matter is STAYED. Both parties shall file a notice with the Court as soon as Plaintiff has exhausted his state court remedies and that this matter is ripe for federal judicial review.



GREGORY B. WORMUTH
UNITED STATES MAGISTRATE JUDGE